REMARKS

The examiner has withdrawn claims 31-42 from consideration because they are assertedly directed to a non-elected invention. Applicant respectfully traverses. The examiner states that because claims 31-42 are drawn to a method of "pre-compiling configuration [information] at a virtual machine compiler" whereas claims 1-30 are drawn to a method of "pre-compiling configuration [information] without a virtual machine compiler," claims 31-42 are "directed to an invention that is independent or distinct from the invention originally claimed" (OA mailed 01/03/2006, Point 1). Applicant disagrees that this is a sufficient distinction to warrant a restriction requirement. When submitting claims 31-42, applicant could have chosen to submit a new claim, dependent on claim 1, stating "The method of claim 1, wherein the network connection device hosts a virtual machine and a virtual machine compiler and the step of generating the rule program comprises compiling the rule file and the operations file by the virtual machine compiler." No requirement for restriction would have been made with regard to this hypothetical claims. Applicant therefore submits that the existence and use of a virtual machine compiler in independent claim 31 does not make the invention defined by claim 31 distinct from the invention defined in claim 1 and is therefore not sufficient grounds for withdrawing claims 31-42 from consideration.

Claims 1-6, 9-10, 12, 14-15, and 30 stand rejected under 35 U.S.C. 102(e) as being anticipated by Hawkinson (U.S. Pat. No. 6,295,532). Claims 7 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkinson and further in view of Whitehead et

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al (U.S. Pat. No. 6,085,030). Claims 11 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkinson and further in view of Alles et al (U.S. Pat. No. 6,466,976).

The present invention, as defined by independent claim 1, relates to a method to pre-compile configuration information for a network connection device (designated 12 in FIG. 1). The method comprises receiving a rule file (designated 64 in the embodiment described with respect to FIG. 9) defining behavioral requirements for the network connection device (12) and an operations file (designated 62) describing operations supported by a plurality of components of the network connection device (12). The method generates a rule program (66), executable by the network connection device (12), utilizing the rule file (64) and the operations file (62). The rule program (66) comprises a set of operations, selected from operations supported by the plurality of components of the network connection device (12), for performance by the respective components of the network connection device (12) in accordance with the behavioral requirements defined by the rule file (64).

Regarding the network connection device, the examiner asserts that applicant has argued that Hawkinson fails to teach a network connection device. Applicant has made no such argument. Applicant has merely observed that FIG. 4 of Hawkinson is not equivalent to a network connection device as the examiner appears to be asserting by placing the text "[fig. 4]" after the text "network connection device" in Point 5 of the Office Action mailed 05/25/2005 and in Point 5 of the final Office Action mailed 01/03/2006. Hawkinson's FIG. 4 is described as illustrating "details of functional blocks within the flow classification and routing block 218" (Hawkinson, Col. 3, lines

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23 -25). Hawkinson describes the function of the flow classification and routing block 218 as determining whether a flow has been set up for an incoming data unit and for determining the class of traffic to which the flow is assigned (Hawkinson, Col. 5, lines 28 - 30). Applicant submits that a person of ordinary skill in the art would not find the "flow classification and routing block" 218 or any of its internal functional blocks to be equivalent to a network connection device (12) as the term is used in claim 1. Additionally, applicant observes that 35 U.S.C. 102(e) requires that every element of claim 1 be disclosed by Hawkinson. Whether or not Hawkinson "suggests a network device" (OA mailed 01/03/2006, Point 25) is immaterial.

Regarding the step of receiving a rule file (64), claim 1 states that the rule file (64) defines "behavioral requirements of the network connection device". Applicant notes that "behavior" is generally defined as the manner in which something functions or operates and more specifically as the action or reaction of something under specified circumstances. Applicant therefore submits that the language of claim 1 (not the language of the specification) plainly limits the rule file (64) to defining the manner in which the network connection device (12) is required to operate under specified circumstances. The specification supports this interpretation of the claimed limitation by describing an exemplary rule file (64) as defining how the network connection device (12) should respond to various events (e.g. if "A" is true, do "X"; if "B" is true, do "Y", etc).

The examiner has asserted that Hawkinson's "policy definition [table] 334" is equivalent to the rule file of claim 1. However, as applicant has already observed, Hawkinson's policy definition table

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334, an example of which is shown in Table 2, is a list of information pertaining to a particular policy, such as the name of the policy, the time the policy goes into effect, etc. Such information does not define "the behavioral requirements" of a network connection device. In response to applicant's earlier observation, the examiner merely refers to Col. 13, lines 60-67 of Hawkinson, which states "[the] flow management block 330 generates and updates ... a policy definition table 384," and the examiner then asserts that this text shows that "therefore, the policy definition table is equivalent to the rule file." However, aside from the fact that the cited text does nothing to demonstrate an equivalence between Hawkinson's policy definition table and a rule file of claim 1, applicant observes that the text of Hawkinson which the examiner cites expressly states that the policy definition table is generated by the flow management block 330 and that the flow management block is part of the flow classification and routing block 218. As described above, it is difficult for applicant to determine what specific element of Hawkinson the examiner considers to be equivalent to the network connection device. However applicant feels safe in assuming that, whatever element it is, it includes the flow management block 330. Therefore, for the examiner's interpretation of Hawkinson to be accurate, generating and updating the policy definition table 384 must somehow enable the element equivalent to the network connection device to define for itself how it should operate under specified circumstances despite the fact the policy definition table neither specifies any circumstance nor indicates how any functional block of Hawkinson should operate.

Applicant also observes that the examiner has not shown where Hawkinson describes "receiving" the policy definition table 334.

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Hawkinson's FIG. 4 shows an arrow pointing from the policy definition table 334 to the flow management block 330, however applicant submits this is intended to show the location of the policy definition table 334 since, as described above, the flow management block 330 is where the policy definition table is "generated."

For the reasons above, applicant submits that Hawkinson does not disclose "receiving a rule file defining behavioral requirements for the network connection device" as required by claim 1.

Regarding the step of receiving an operations file (62), claim 1 states that the operations file describes operations supported by a plurality of components of the network connection device. An operation is generally defined as an action or process performed in response to an instruction. Applicant therefore submits that the *language of claim 1* (not the language of the specification) limits the operations file (62) to describing what actions components of the network connection device will take in response to instructions. This limitation is *supported* by the description of an exemplary operations file (62) in the specification (page 22, line 4 through page 25, line 2).

The examiner has asserted that Hawkinson's "class definition [table] 332" is equivalent to the rule file of claim 1. The examiner observes that the "class definitions ... include resource requirements (e.g. bandwidth, peak rate limits, buffer delay, and jitter)" (OA mailed 01/03/2006, Point 26). However, none of the listed "resource requirements" could be considered to be operations of any sort. To the contrary they are, literally, the *resources* a particular class *requires*. The example of a class definition table shown in Table 1 of Hawkinson lists twenty two "Objects" that may be found in a class definition table 332 and applicant again submits that none of the

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listed "Objects" could be considered to be an "operation" as that word is generally understood.

Additionally, as described above regarding the policy definition table 334, applicant observes that the examiner has not shown where Hawkinson describes "receiving" the class definition table 332. Hawkinson's FIG. 4 shows an arrow pointing from the class definition table 332 to the flow management block 330, however applicant submits this is intended to show the location of the class definition table 332 since, as described in Col. 13, lines 60-67 of Hawkinson, the flow management block 330 is where the class definition table 332 is "generated."

For the above reasons, applicant submits that Hawkinson does not disclose "receiving an operations file describing operations supported by a plurality of components of the network connection device" as required by claim 1.

Regarding the step of generating a rule program utilizing the rule file and the operations file, in order to anticipate the invention defined by claim 1, Hawkinson must teach generating an element equivalent to a rule program utilizing elements equivalent to a rule file and an operations file. The rule program is limited by claim 1 to comprise a set of operations to be performed by the components of the network connection device in accordance with the behavioral requirements defined in the rule file. The examiner asserts that the "resource manager" 222 of Hawkinson is equivalent to the rule program defined by claim 1.

Initially, applicant observes that the examiner has failed to state, in either Office Action, how Hawkinson assertedly discloses using a "policy definition table" and a "class definition table" to

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generate the "resource manager". Regardless of the lack of equivalence between the various elements of the present invention and the disclosure of Hawkinson, Hawkinson's failure to teach how the tables could be used to generate the resource manager shows that Hawkinson does not anticipate the invention defined by claim 1. Disregarding that omission however, the examiner simply asserts, with no explanation, that Hawkinson's resource manager 222 is equivalent to the rule program defined in claim 1 and that the resource manager "comprises a set of operations." In support of the second assertion the examiner cites Col. 7, lines 8 - 67, of Hawkinson. In response to the first Office Action, applicant observed the portion of Hawkinson the examiner appears to be referring to does not in fact describe a set of operations and also does not describe what "comprises" the resource manager. In the second Office Action, the examiner did not provide any reasoning to refute, or acknowledge in any way, applicant's argument on this point.

Additionally, claim 1 defines the rule program (66) as being executable by the network connection device (12). Regardless of the above arguments, applicant submits that there is no description in Hawkinson of the resource manager 222 being "executable" by the flow classification and routing block 218, or any other element of Hawkinson.

For the reasons discussed above, applicant submits that Hawkinson does not disclose "generating a rule program, executable by the network connection device, utilizing the rule file and the operations file" as required by claim 1.

Applicant therefore submits that Hawkinson does not disclose a method to pre-compile configuration information for a network

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connection device as defined by independent claim 1 and therefore claim 1 is patentable over Hawkinson. It follows that dependent claims 2-15 are also patentable. Applicant further submits that the arguments above apply equally to independent claims 30 and that therefore claim 30 is patentable over Hawkinson. Although not considered by the examiner, applicant further submits that the above arguments apply equally to claim 31 and therefore claims 31-42 are also patentable over Hawkinson.

Respectfully submitted,
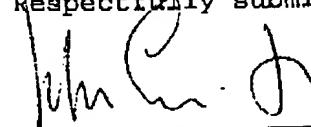
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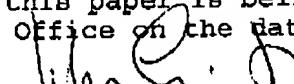
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